How Valuable Property is Semetimes Disposed Of-The Buyer Taken In and Done For Setting the Sale Aside.

THE PANAMA RAILROAD IN COURT.

The Responsibilities of Security-Holders-Important Decision-A Corresponding Judgment.

EUSINESS IN THE OTHER COURTS.

SUMMARIES.

The Scannell-Donohoe case was resumed yesterday in the Court of Oyer and Terminer. The prosefence. Several witnesses testified on schalf of the prisoner, both as to the fatal shooting of Donohoe and the previous shooting of Florence Scannell, the brother of the prisoner, in November, 1869. The trial will be resumed this morning.

Mr. Nelson Chase has commended a suit in the

United States Circuit Court w restrain G. W. Bowen from bringing any addrenal suits in relation to the Jumel estate. He aleges that the little gation has been initiated by Been for blackmati-

A rather curious real estate transaction will be found reported in another oumn. It is not un-likely a specimen of a sharp ractice dodge that is frequently resorted to in the city, but with mere successful result than the present one. In the present case, as will be see by the report, an important decision was reserved by Judge Sedge wick, of the Superior Cou-A decision covering a sw but important point

was given yesterday, byudge Loew, of the Court of Common Pleas. Thesuit was by the Panama Railread Company to rover advances upon collateral securities in its hads.

THE SCANNEL-DONOHOE TRIAL

The Court Stries Out Indirect Evidence-The Co for the Prosecution Rests-Openis for the Defence-The Scene Chan'd from the Denohoe Shooting of cannell to the Scannell Shooting o Donohoe-The Twenty-fourth Stre Gang-A Vendetta Re-

The case of Jei Scannell, on trial for the killing of Thomas Dohoe in November last, was resumed yesterd. The same order and decorum have poked the proceedings in this trial and the absce of the too common turbulence and uproar sich have been the features of murder trials ofte within the court room were main. tained. Jue Brady sustains the dignity of the Bench in aeminent degree, not only within, but Mr. Valenie, the Chief Crier of the Court, and deed, on whom principally develves the important ity of preserving quiet and order upon

Judgerady took his seat promptly, Mr. Phelps, Districattorney, being in his place. Prisoner and his corsel and relatives were early in their seats. and trease was at once proceeded with.

THE OBJECTED TESTIMONY. ance Brady said he had considered the motion or cansel for the defence, that the testimony of Sergant Loonie and William C. O'Brien, given yes terry, be stricken out, and concluded to grant it, it no bearing directly on the case.

pstrict Attorney Phelps said he rested the case forthe prosecution.

OPENING POR THE DEFENCE Ir. Spencer then proceeded to address the jury te the defence. After warning the jury of the whil responsibility that rested upon them he vent into the circumstances attending the assassination of Denohoe in Johnsen's pool room, ander Apollo Hail. He said the sheeting of Donohoe by Scannell was admitted, but he claimed that it was the result of "menta, irresponsibility" on the part of the prisoner. His mind was completely and irrevocably gone on the subject of revenge for the killing of his brother, to whom he was so much devoted. They would show, from the conduct of the accused before and after the act, that he was irresponsible for his conduct and they vould use the testimony of some of the witnesses of the prosecution in doing so. He then referred to the extraordinary attachment which existed between the defendant and his brother The melancholy and mania which former after his brother's death was the direct, though distant, cause of the shooting of Donohoe. He then went back to the shoot ing of Florence Scannell on the 3d of December, 1869, and the political troubles which caused it. Tammany Hall-rich, corrupt and powerful-was then in the plenitude of its power. There were bad men in it as there are now, and are in every party, he searedmen who would stop at nothing. Florence Scan. nell, backed by a few friends, resolved to oppose Tammany Hall, and became a candidate for Alderman in one of the most enlightened and respectable districts in the city. John Nesbitt, one of the witnesses for the prosecution, was the candidate of Tammany Hall, and was supported by Donohoe. On the day of registry Florence Scannell went into Donoboe's saloon, where the Board of Registry sat, and as soon as be entered the door he was attacked with clubs and knives and was fatally shot. He did not die immediately, but faded away in the hospital for six months, until from being a man of 180 pounds he became only sixty pounds at his death. Donohoe said the bullet that caused his death was fired by the defendant. This, added to the loss of his beloved brother, effectually upset his mental balance, and he became subject to melancholy, manus and hallocination. He would pace restlessly up and down his room; would wildly swing his arms around; would curse his entire family and friends; his eyes would assume a wild, a dangerous expression, and his conduct was ac strange and unnatural that every person who saw him said, "His mind is gone." This was increased by the falture of the law to bring Donohoe to trial. Although the Coroner's jury had pronounced him guilty bonohoe was released on \$10,000 bail, and was never brought to trial. They would shew that Donohoe attempted to aribe the Coroner who held the inquest on Piorenes's bedy to change the bullet found in the body for one that would not \$1 Donohoe's pistel. They would also prove by eminent physicians that the accused was not responsible for the strength of the strength of the presence. death. Dopohoe said the bullet that caused his

physicians that the accused was not responsible for his acts.

The first witness called for the defence was carrett Brown. He testined to the shooting of Florence Scannell, in Donohoe's saloon, in December, 1869; he was in the saloon at the time; in the back room; heard the report of a pistol in the front barroom, and saw bonohoe immediately after rush through the back room out to the street with a pistol in his hand; there were a number of people in the back room; the Registers of Election were sitting there; went there to register; I was living then at the Compton House, corner of Twenty-fourth street and Third avenue, then kept by the Scannells; I did not see a pistol in the hands of Florence Scannell; John Scannell was in the back room; at the time the first shot was fired he ray out into the barroom.

The next witness called was will that Tinsman.

of Thirty-second street, between Seventh at Eighth avenues, who was sworn and testified—I we. M into Donohoe's saloon with Florence Scannell the da. The

THE COURTS.

Instr. was shot; there were neveral in the bar, the door leading to the be known was closed; Florence seannell stood abow, the middle of the bar, leaning against it; he saired for a cigar, and Donoboe pulled out a Pistol and shot him in the back; Florence sell of the har, leaning against it; he saired for a cigar, and Donoboe pulled out a Pistol and shot him in the back; John Seannell was not in the barroom at the time; I ran out a vide of a cigar, and Donoboe pulled out a Pistol and shot him in the back; John Seannell, was not in the back; John Seannell, Donoboe and I were in the room at the station house as a witness; John Seannell or Donoboe shot how the Prisoper History of the Prisoper History of the Two Shootings.

A REAL ESTATE TRANSACTION.

Instr. was shot; there were several in the barroom at the star of correct selection was closed; Florence selection was closed; Florence seannell seen and shot him the barroom at the back; John Seannell, was not in the back; John Seannell was very it was the together; I did not hear John Seannell or Donoboe shot seen to be the swore and heard me say carried the two shot by Coroner Flyan; I was taken to Jefferson Market and that I have made here to-day; John Seannell was within hearing distance; he seemed to be a hittle but worried; he kept his head down and did not see him after that for about a year; I met him at the Glenham House; I talked with him and thought he acted strange.

CROSS-ZXANINED.

not seem to be the same man led seed to be; I do not see him after that for about a year; I met him at the Glenham House; I talked with him and thought he acted strange.

CROSS-EXAMINED.

By District Attoracy Phelps—I met Florence Scannell on the corner of Twenty-fourth street and Second avenue; we were talking on the corner, when Brown, Tinsley and several others came down Twenty-fourth street; John Scannell was standing on the opposite corner; they all joined us, and Florence said, "Come and let us have a smoke;" we went down Second avenue to Twenty-third street, and crossed over to Donohoe's, on the other side of the avenue; there were places on the corner of Twenty-fourth street where we could have had a smoke or drink; I think Florence came out of a drinking place on the corner of Twenty-fourth street; he said, "Let us go down to Temmy Donohoe's and have a smoke;" Florence and went in first; there was no person in the barroom but Donohoe when we went in; when Florence and went in give it was arrested and ran out; Donohoe ran out and went te the station house; I was arrested and taken before Justice Cox at Jefferson Market about a herse case; I was charged with stealing a horse; I was arrested in Philadelphin; in Docember, 1800, I was a street of the weeks ago; I am now living in Eighteenth street, below Seveuth avenue; belore I went South I lived at the Glunham House, corner of Twenty-fourth street and Third avenue, kept by John Scannell; he and a partner named Pagan kept the Compton House when I lived there. Re-direct—About the arrest and arraignment before Justice Cox, a man owed me money, and I heard he was going to fail; I took his horses and kept them in my stable; they paid me the money, and the case was settled.

At twenty minutes past one o'clock a recess of twenty minutes was taken.

WILLIAM ANNESLEY'S TESTIMONY.

At twenty minutes past one o'clock a recess of twenty minutes was taken.

After Recess.

WILLIAM ANNESLEY'S TESTIMONY.

The witness testified—I was at Donohoe's saloen on December 3, 1869, when Florence Scannell was shot; I went in with Flerence at my leit sheulder, and John Scannell was just behind us; Florry and myself were the first to enter; Donohoe was behind the bay and said, "Hew are you, Florry?" and Florry said, "How are you, Tom?" then Donohoe opened the till drawer and toek out a pistol and put it in his coat pocket; Florence then went to a door leading inte the back reom and was in the act of opening it and put his knee up, and Donohoe says, "Don't go in there, Scanneil!" Florence came away and leaned back against the bar counter this way (illustrating the position); just then four or five men came out of the back room and went out; Donehoe was behind the bar and Florence was laughing; he had a smile on his face and I saw Donehoe, who was behind him, reach across the counter and fire at Florry's back; Florry sild right down on the foor; he dropped or slid this way (the wirness flumped out of his charr); Jehn and some others at this time were in the back room and he came running out and said, "Who shet him?" I said, "There is the man, there he goes," and pointed to Donehoe; after a few minutes we carried Florry out and put him in a wagon and he was taken to believue them before the shooting of Florence, except that some one in the rear of me said before that,

"LET US TARE A DRINK;"

I was present at the inquest on the body of Florence Scannell, and John Scannell was there also when the verdict from the official report of that inquest, setting forth that Florence Scannell came to his death by a pistol shot fired by Thomas Donohoe. The evidence was admitted.

Witness resumed—Florence was taken to Bellevue Hespital; about half an hour after he was taken to hospital John Scannell and Denohoe were brought in to see him; Mrs. John Scannell was there also; John was very servous and excited, and his eyes wa

"Yes, I do; I care more for him than for all the world besides."

CROSS-EXAMINED.

Witness identified his own signature to the official report of his testimony, as given at the Coroner's inquest on the body of Florence Scannell; that evidence was read over to me, and I found it correct before I signed it; on the day Florence was shot I met him about noon and went to dinner with him at the Compton House; then I went out with Florence and John; we met some other parties, including a man named Stimson, also Garrett Brown and another named Flood; there were some others, perhaps six or seven; we met them all together coming up the avenue; they went down the avenue at the request of Florry to take a drink at Donnohoe's; Florry said, "Hew are you, Tommy;" after Donnohoe had addressed him, "How are you Florry i" when Florence and I went to the back room door Florence tried to open it, and then raised his knee as though he was going to force it open; Garrett Brown was with us also; there was nothing else said before he went to the door; Donohoe told him not to go in there; Florry came away and stood at the bar, and then the door opened and four or five men ran out; I den't know who they were; they went out so fast I could not tell one from another; John and some others went into the back room and the door was closed; not a word was said by any one in the front room after those was said by any one in the front room after those men went out until the shooting of Florence took place; I was within eight or nine feet of Florence when he was shot; I saw other pistols fired there that day, a few minutes after Florry was shot; Donohoe took the pistol out of the drawer as we went into his saloon and put it into his short coat nocket:

Donohoe took the pistol out of the drawer as we went into his saloon and put it into his short cont pocket;

I SAW THE PISTOL before he took it out; I was between Florence and Donohoe when he took the pistol from the drawer, and Florence did not see it; Florence and John had pistols also; I took Plorence's pistol from his pocket after he was shot to protect myself; I know John Scannell fired his pistol; Donohoe was crouching behind the bar, John ran out of the back room, and I had Florry's head on my knee, and John said, "Who shot him "?"

TESTIMONY OF MICHAEL PAGAN.

Michael Fagan, a mild-looking man, was next called and testified:—I reside at No. 321 Third avenue, and am superintendent of the Compton House; Scannell formerly kept that house with me; I knew Scannell formerly kept that house with me; I knew Scannell formerly kept that house with me; I knew Scannell and Donohoe; I was at Johnson's pool room when Donohoe was killed; Scannell was not there when I went in, but Donohoe was there; he was standing at the lower end of the liquor bar; I first saw John Scannell at the liquor bar; I first saw John Scannell at the liquor bar; I turned around to my rear; Scannell was not there then; I stood in the centre of the room; Donohoe was to the west of me; I looked and saw Scannell down at the south end of the bar; I saw Donohoe, and heard him exclaim aloud, "Come on, John;" I then saw that Scannell had left the bar, but I did not see where he was; when DONOHOE SAID, "Come on, John;" I then saw that Scannells had left the bar, but I did not see where he was; when DONOHOE SAID, "Come on, John;" I then saw that Scannells had left the bar, but I did not see where he was; when DONOHOE SAID, "Come on, John;" I then saw that Scannells had left the bar, but I did not see where he was; when DONOHOE SAID, "Come on, John;" I then saw that Scannells; I knew Scannell's mother about six years; she lost her husband about 1866; John had three younger brothers, a mother about six years; she lost her husband about 1866; John had thr

In the folias, I considered to be considered and insane.

Q. Did you give any notification of your opinion in regard to it to any of his relatives? Objected to.

Quite a lengthy discussion ensued on the admission of this question and it was finally excinned by the Court. The defence excepted to the ruling.

The case was then adjourned until this morning.

## A REAL ESTATE TRANSACTION.

Valuable Real Estate Sold Dog Chenp and the Buyer Sold with It-Important Decision Setting the Sule Aside. Occasionally there are developed in the courts

rather curious proceedings, or, more properly speaking, what looks like decided sharp practice in the matter of real estate transactions. Judge Sedgwick, of the Superior Court, gave yesterday a decision in a case of this character, which, to say the least, carries with it a highly suggestive moral. To make the story clear it should be stated, in the first place, that there are certainly-and there may be many more-two John O'Donnells living in this city. One of the John O'Donnells living in this city. One of the John O'Donnells, to whom particular reference is now made, is a lawyer and associated in practice with one William Lindsay. The other is a real estate owner, and not long since, having occasion to do some law business, employed the firm O'Donnell & Lindsay as his lawyers. Only a brief time clapsed when, instead of being a client, the real estate owner O'Donnell found himself a defendant in a

defendant in a

SUIT IN THE MARINE COURT
by the lawyer O'Donnell. The result of this suit
was a judgment against the former for \$104 44.
An appeal was taken from this verdict, and in
order to stay proceedings, there was given the

usual undertaking to pay the judgment 1/2 case it was affirmed. The end of this appeal was affirmed the judgment in these proceedings. Mr. John Lindsay appeared as attorney for his associate law partner. The judgment was not paid. Meantime Mr. Lindsay obtained knowledge of the fact that Mr. O'Donnell, the judgment debtor, was owner of the lot No. 148 Forsyth street and the two tenement houses built on it. Prom a ORED IN THE BEGSTER'S OFFICE he obtained a description of the property, called on the Sheriff, gave him from this description data for an advertisement of its sale, and, upon the judgment referred to and on execution duly issued, the latter official advertised the same to be sold at public auction. At noon on July 23, 1870, in the vestibule of the City Hall, the sale took place.

Mr. Lindsay was the only bidder for the property. It was knocked down to him for \$200. He gave the Sheriff a check for \$100, and went away in the conscious ness of having accomplished a pretty good day's work, particularly as there had been given to the Sheriff in advance a receipt for the ament of the execution. At the time of the sale the property was worth about thirty thousand dollars, what the only single encumbrance of a \$7,600 mortgage. We have mentioned the fact that there were two tenement houses on the lot. But these had a rental of \$3,200. In the mosnitime the Sheriff executed and delivered to Mr. Lindsay a deed of the property. Thus far matters had gone on very swimmingly. There came a turn in the tide—this tide which Mr. Lindsay had so boldly taken at the food and which gave such sure guarantee of leading on to fortune. Mr. O'Donnell, the owner of the property in question, it seems, had no knowledge of the affirmation of the judgment and all the coats he had been put to; but the latter would

Mortgare was accordingly brought to the attention of Judge Sedgwick. Mr. O'Donnell demanded that the sale be adjudged lilegal; toat the sheriff's deed be declared invalid, and that upon payment to Mr. Lindsay of the amount of

#### THE PANAMA RAILROAD COM-PARY IN COURT.

Stocks as Securities-Decision of a Nice Point as to the Obligations of Security

In February, 1869, William Cothral obtained a loan of \$17,000 from the Panama Railroad Company, and as collateral security deposited with the company seventy shares of its own stock. Upon this loan he paid at various times different sums, amounting altogether to \$3,455, and shortly after the last payment died. In August, 1870, the company demanded of the executors of Mr. Cothral payment of the remainder of the indebtedness. The latter claim that upon this demand they directed the company to sell out the stock, then worth some \$200 a share, but since then having depreciated about two hundred per cent, but that the company did not comply with their instructions. The result was that they would not pay, and the company brought suit to compel payment. The case was tried yesterday before Judge Loew, holding Part 1 of the Court of Common Pieas. The defence sought to prove the fact regarding their instructions to the company to sell out the stock. This testimony was excluded by Judge Loew, on the ground that the company were simply pledgees as regarded the stock and under no obligation to sell it. In other words, his decision was that the company was in no respect brokers for the defendants, and that as regarded the stocks the latter, if they wished to obtain control of them, should have paid the money advanced upon them as security. Taking this view of the case—and the point has never been decided before—Judge Loew ordered a vertilet to the plaintiffs for \$16,639 41, being the Whole amount claimed with interest. pany demanded of the executors of Mr. Cothral

BUSINESS IN THE OTHER COURTS.

SUPREME COURT-SPECIAL TERM. Livery Stables as Nuisances.

Before Judge Van Brunt, There are a great many people living in this city who would be greatly pleased if it could be judicially decided that a livery stable is a nuisance. Mr. Allan Hay has seen fit to bring the matter to a legal test, and has selected Mr. White, who keeps a legal test, and has selected Mr. White, who keeps the livery stable corner of Madison avenue and Thirtieth street, as the subject of the test, and the suit instituted by him to restrain Mr. White from continuing his stable at the locality named came up for trial yesterday in this Court. The ground set forth in the complaint was that the stable was a nuisance to the neighborhood. It was further insisted—and which is perhaps the strongest legal point after all—that keeping this stable there was in violation of a provisional clause in the chain of title to the property, which, it is claimed, prenibits using the property for any noxious purpose. Quite a number of the adjoining residents testified that noxious smells emanate from the stable, that hosts of files of a poisonous species invade their kitchens, and that they are kept awake nights by the rattle of carriages and stamping of horses. On the other side witnesses stamping of horses. On the other side witnesses averred that a livery stable preperly conducted is not only not a nuisance, but rather a pleasant tiling to have near one's residence. Judge Van Brunt thought the matter worthy of mature dehocration, and accordingly held his decision in abeyance.

## SUPREME COURT-CHAMBERS.

Decisions.

By Judge Davis.

In the Matter of the Opening of 152d street, from Ninth avenue to Hudson River.—The amidavits and proofs are so imperfect that I cannot tax the bill.

The People, &c., Steinert vs. Green, &c.—Motion is denied, without costs.

The People, &c., Guidet vs. Green, &c.—Let an alternative mandamus issue, returnable 1st of March.

McNeal Coal and Iron Company vs. Gould.—Mo-Mexeat Coal and the County of the County of

SUPERIOR COURT-SPECIAL TERM. Decisions.

By Judge Freedman.

Green vs. Stilwell.—Motion granted.
Renine vs. Connor.—Same.
Haight vs. Moore.—Order denying motion.
Schroeder ve. Macy.—Order granting motion.
Moore vs. Schaeler.—Motion denied.
Strauss vs. Stern.—Order granted.
The Gutta Percha Manufacturing Company vs.
Benedict.—Order for judgment.
Lissner vs. Marchke.—Order denying motion.

By Judge Monell.
Mingesheimer vs. The Continental Insurance
Company.—Case and amendments settled.

By Judge Sedgwick.
O'Donnell vs. Lindsay.—Judgment for plaintiff.

COURT OF GENERAL SESSIONS-PART L Abraham, Allas "General," Greenthal Bailed.

Before Recorder Hackett. Before the trial of cases on the calendar yesterday Mr. Howe called the attention of the Court to the fact that the case of Abraham Greenthal was the fact that the case of Adraham Greenthal was peremptorily set down for that day, and urged that his client be either tried or bailed.

His Honor granted the motion to bail the prisoner, fixing the amount at \$1,000. It will be recollected that "General" Greenthal was convicted of grand larceny and served one year in the State Prison, but his counsel succeeded in getting a new trial.

Sarah Hawkins, who was indicted for stealing a pocketbook, containing \$54, from Mrs. Bitterman, on the 2d of February, pleaded guilty to an attempt at grand larceny. She was sent to the State Prison for two years and six months. A Young Clerk Sent to the Penitentiary

for Embezzlement. George Donovan, a youth, also pleaded guilty to the same grade of crime, he having embezzled \$80 from his employer, Victor Balocher, on the 4th of January. The Recorder sentenced him to the Penitentiary for one year. A Barkeeper Sent to Prison for Stealing

a Gold Waten from a Drunken Cus-

tomer. Henry Wessel, a bartender at a drinking saloon in Washington street, was tried and found guilty of stealing a gold watch and chain from James bedonald on the 7th of this month while he McDonaid on the 7th of this month while he (McDonaid) was drunk in the saloon. The prisoner was cent to the Penitentiary for three years.

John Thompson (colored) was tried and acquitted of a charge of grand larceny. Georgiana Africanus (also a lady of color) alleged that the prisoner and a other man stole a trunk full of clothing belonging to her on the 27th of January. Thompson told a pret'y straight story, to the effect that he was hired by a man to help him to carry the trunk.

An Alleged Showling Case-A Merciful Vo.rdlet. Edward Kelly was charged with firing a loaded

of January, in a saloon, corner of Twenty-ninth street and Eighth avenue. The evidence showed that the parties were friends and that the accused had no intention of seriously injuring Donohue. A verdict of assault and battery was rendered. The Recorder, in passing sentence, said that the boy Kelly was the representative of a class of reckless young men who frequent drinking saloons and carry-pistols, and that he (Kelly) might have stood before the Court in the attitude of a murderer. In order to teach young men that they must not use weapons indiscriminately he sentenced Kelly to the Penitentiary for one year.

Michael Toomey, who was indicted for cutting (Robert K. Hoey in the hand with a small knife at 33 Bowery, on the 13th of October, was tried and acquitted.

A Ballroom Row—An Alleged Assault of January, in a saloon, corner of Twenty-ninth

A Ballroom Row-An Alleged Assault Upon a Policeman-Disagreement of

the Jury.

Over two hours were spent in trying an indictment for assault and battery, preferred by Officer Frank Lowber, of the Twentieth precinct, against Barney Klernan. It seemed from the testimony that word reached the policemen that there was a disturbance in a ballroom on Ninth avenue, between Thirty-sixth and Thirty-seventh streets. They entered the place, and when clearing the noisy crowd out Officer Lowber stated he was struck by Barney Kiernan. A number of witnesses for the defence were examined by Mr. Hummel, all of whom swore that as soon as the officers entered the place they commenced to club every person they met, and that Lowber clubbed Barney Kiernan without any provocation or cause. Three shots were fired by one of the officers, the brether of the prisoner receiving one in the head, and Barney was wounded in the leg.

After deliberating till a late hour in the afternoon upon the case, the jury returned to the court room, and said it was impossible for them to agree, whereupon they were discharged from the further consideration of the case.

The Murphy-Kelly Assault Case. that word reached the policemen that there was a

The Murphy-Kelly Assault Case The case of Assistant Alderman Jerry Murphy, indicted for an assault on Michael J. Kelly, a reporter, was set down on the calendar for trial yes-terday, but owing to the absence of Murphy's counsel the case went over.

JEFFERSON MARKET POLICE COURT.

Receiver of Stolen Property. Joseph S. Woolf, of 259 Hudson street, was charged by William Waters with having purchased from George Drake a watch and chain belonging to the complainant, knowing the same to have been stolen. Drake, who is under arrest for the larceny, testified to the sale, and Woolf was held to answer.

A Fugitive from Justice. The case of Charles Weed, recently arrested here by a Chicago detective, charged with highway robbery in Illinois, came up for adjudication before Justice Ledwith, at Jefferson Market Police Court, Justice Ledwith, at Jefferson Market Police Court, yesterday. The officer produced, as his authority for the arrest, the forfeited bail bond and a copy of the indictment. Mr. Brooks, of counsel for the bailor, argued that the papers were sufficient and produced a number of authorities to that effect. Evidence identifying the prisoner was then taken. While this was in progress, a writ of habeas corpus in the case, signed by Judge Brady, of the Supreme Court, was served on the Justice, who will make his return on the 24th, in accordance with the direction of the writ.

COURT OF APPEALS CALENDAR.

The following is the Court of Appeals calendar for February 21:-Nos. 60, 34, 95, 66, 227, 607, 589 and 611.

THE CRAND JURY OF OVER AND TERMINER.

Close of the Proceedings-Important Indictments-Presentment as to Carrying Pistols and Concealed Weapons-Judge Brady's Determination.

The Grand Jury empanelled in the Court of Oyer and Terminer came into court yesterday morning and presented a bundle of indictments These were handed by Mr. Valentine to the Court. The following presentment was then made by the Foreman :-

The following presentment was then made by the Foreman:

To the Honorable the Court:
The Grand Jury wish to make the following presentment to the Court:
From the number of cases of murder and assault brought to the notice of this Jury we are convinced that the laws are too lax in regard to those who carry deadly weapons.

We respectfully request the Court to use its influence with the Legislature now in session and to urge the passage of a law which will make the carrying of a pistol or concealed weapon, except in cases provided for, an offence to be punished with great severity. It is a growing evil in the community, and should be stopped at once.

In one of the cases we have considered we have the evidence of a pistol having been soid to a bey fourteen years old, with which he shot another boy dead.

HUGH AUCHINCLOSS, Foreman.

W. H. PHILLIPS, Secretary.

GRAND JURY ROOM, Feb. 18, 1873.

JUDGE BRADY ADDRESSES THE GRAND JURY.

JUDGE BRADY ADDRESSES THE GRAND JURY. Judge Brady said :- Gentlemen of the Grand Jury-At the suggestion of the District Attorney (although I should not have failed to do so had the suggestion not been made) I thank you for the services you have rendered the community. It is proper for me to say to you that it was my design to keep you in

necessary elements for the administration of criminal justice should be presented, to meet any emergency that might arise. I have expressed the determination, to which I still adhere, to labor TO REDEEM THIS CITY FROM THE LAWLESSNESS Which has marked the career of some persons in this city, and for that purpose to keep this Court in session. I am informed, however, that there is another Grand Jury now in existence serving in the Court of General Sessions, and that renders it unnecessary to continue your deliberations longer. I perceive, gentlemen, that you made a presentment on the subject of carrying pistols in response to my suggestion in the clarge made to you. I assure you that this Court coralally approves your action, and will not hesitate to assert its proper induence to accomplish the remedy desired. Gentlemen, you are now discharged.

The Grand Jury then withdrew.

MORE TAMMANY RING ISDICTMENTS.

It is understood that among the indictments found by the Grand Jury of the Oyer and Terminer there are several indictments presented against certain members of the old Tammany Ring.

THE MYSTERIOUS INDICTMENTS.

The Sheriff Believes that the Bench Warrants Have Been Placed in the Hands of the Police to Execute.

Late last evening a reporter of the Herald called upon the Sheriff's order of arrest clerk, Mr. Judson Jarvis, to inquire as to the new indictments said to be pending against Messrs. Tweed, Con-nolly and Ingersoll. Mr. Jarvis said that he had not received as yet any bench warrants upon which to make any arrest. He said, however, that he was certain that new indictments were in existence against some of the members of the old Tammany Ring, but he would not hazard saying who, and that he had reason to believe the bench warrants would not be placed in the hands of the Sheriff, but that he had good reason to say they had already been placed in the hands of the police, who had equal power under the law with the Sheriff to make arrests of this kind. The reathe Sheriff to make arrests of this kind. The reason of altering the usual course of things by giving these bench warrants to the Superintendent of Ponce, instead of to the Sheriff, as usual, he did not know, but he did positively know that these new indictments were already in existence several days ago. The Sheriff in future would take no notice of bench warrants which arrived at his office after four o'clock in the alternoon, as it had been the habit of doing previously. Mr. Jarvis seemed to intimate by the manner in which he spoke of this that bench warrants had been sent to the Sheriff after office hours yesterday and that he having refused to take any cognizance of them they had been handed to the police. On the assurance that nothing would be done by Mr. Judson Jarvis in the matter of arresting any parties implicated last night the Herald reporter lett.

## KINGS COUNTY PENITENTIARY.

A Deficiency in the Appropriation—Is This To Be a Self-Supporting Institution ? According to the statement of Keeper Shevlin, of

the Kings County Penitentiary, there is already a

deficiency in the fund appropriated for the support of that very expensive institution. In response to the natural inquiry as to the cause of this state of affairs Mr. Shevlin comes forward with the statement that too many female prisoners have been sent to the House of the Good Shepherd and too few to the Penitentiary, and that the food furnished under contract this year cost more than it did hast year. These, he says, are the causes of the deficiencies in the fund. He sets before the public a very interesting table of soit soap, bread, fresh meat, coding, confee and sait pork, with their respective prices, for six months hast year, and an equally entertaining table for a similar period this year, and after a comparison of the figures, makes an increase in this year's expenses of \$1,511. Clerk Cadley, of the Board of Supervisors, thinks the present in this year's expenses of \$1,511. Clerk Cadley, of the Board of Supervisors, thinks the present prices are fair and reasonable, and as far as he can learn the contractor is furnishing the supplies in every respect according to contract. The contractor is entirely in accord with Clerk Cadley, and while they do not know why the prices now are so much higher than last year, they are sure that the public cannot yet these articles any cheaper, and that the county is not losing much on them. statement that too many female prisoners have pistol at William Donohue of the night of the 17th

#### WHERE IS ESSEX?

The Unnatural Wretch Not Heard of Since His Retirement to Tiverton Swamps—Ris Family Compelled to Leave Newport to Avoid the Violence of the Citizens.

NEWPORT, R. L. Feb. 20, 1873. The excitement over the alleged crimes of Essex has finally culminated in the whole family being driven out of the city. The mother and two eldest daughters left by private conveyance before daylight this morning, and the son and the juvenile daughters followed by train this afternoon. They have gone to New Bedford, where Mrs. Essex has a brother and other relatives residing. The police were obliged to guard their house all last night to prevent the carrying out of a threat by the mob to burn it over their heads. Nothing has been heard of the "monster" Essex himself since he took to the Tiverton swamps yesterday afternoon.

Last night and to-day have been bitterly cold, and unless he sought shelter in some barn or out-house he has prebably frozen to death. Inasmuch as nothing has been heard of him up to this time it is generally believed that he has perished. His wife, when she left this morning, was very anxious about his fate, and requested her friends to telegraph her at once if anything was heard from him. The indignation of the people at the manner in which the case was handled by the authorities is very great, and the sincerity of their efforts to procure a conviction is openly questioned in some quarters. It is certain that if they had done their best the wretch might have been brought to punishment. They are at least liable to charges of inefficiency. If they had been retained to defend and protect the accused they could not have done more in his behalf than they have done.

The City Marshal, it is said, will be called upon to explain to the citizens the cause and reason of his action in the matter. There was to have been a public meeting this evening, at which a resolution to this effect would have been introduced, but the meeting was abandoned on account of the departure of the Essex family from the city. wife, when she left this morning, was very anxious

#### LUIGI LUSIGNANI.

The Italian Wife Butcher Convicted of Murder in the First Degree-The Sentence Deferred.

MORRISTOWN, N. J., Feb. 20, 1873. The trial of Luigi Lusignani for the murder of his wife was resumed this morning before Judge Dairymple. The whole of the morning was spent by counsel in summing up, after which the Judge charged and the case was given to the jury.

Mr. Childs at the opening of the Court continued his speech in defence of the prisoner Lusignani. The speech was an extremely able one, and the utter unreliability and bad character of the principal witness for the prosecution were pointed out in a very telling manner. Counsel showed that according to the evidence in the case they were bound to acquit, as no case had been made out against the prisoner. The speech occupied two hours, and was closed with an eloquent and effective

appeal to the jury.

The Attorney General then made the concluding address for the State. He paid a high compliment in opening to the ability displayed by the defence; but he thought that counsel for the prisoner, when they considered the evidence, could not but come to the conclusion that their case was a very bad one. The testimony was then very fully commented apon, and the improbabilities in the favor of the prisoner which had been advanced were pointed out. The speech occupied one hour.

CHARGING THE JUHY.

The Judge charged the jury in a very clear and logical manner. They were very fully instructed in relation to the duty they had to perform, and while they were admonished to guard the interests of the State, if there were any doubts in favor of the prisoner he was to have the benefit of those doubts.

The Judge's charge occupied about half an hour, after which the jury retired to consider their verdict. They remained out about three hours and a half, when they returned with the verdict of guilty of address for the State. He paid a high compliment

MURDER IN THE FIRST DEGREE.

A deep silence pervaded the Court at this announcement, and every eye was directed toward the prisoner. He did not seem to realize his position much, and manifested little or no emotion at the terrible position in which he was placed by the verdict. His face grew a little paier, but he made no motion. A different verdict was expected, and the one rendered caused considerable comment. Sentence is reserved.

# MARRIAGES AND DEATHS.

Married.

FRY-KEMP.—On Wednesday, February 19, by Rev. Dr. Armitage, Rev. Walfer Fry, New York, to Eleanor Ann, eldest daughter of Mr. William Kemp, Solham Hall, Northamptonshire, England. Halmes—Merritz.—On Wednesday, February 19, at Lyndchurst, Irvington-on-Hudson, by the Hishop of New York, assisted by the Rev. W. H. Benjamin, rector, and the Rev. A. Douglas Miller, rector of Milord, Conn., John P. Halmes to Many, eldest daughter of George Merritt, Esq., all of Irvington-on-Hudson.

Kellinger—Anderson.—At Fairview, Esopus, N. Y., on Wednesday, February 19, by the Rev. James Byron Murray, S. Moreis Kellinger, of New York, to Kate E., eldest daughter of Captain A. L. Anderson. No cards.

James Byron Murray, S. Morris Kellinger, of New York, to Karr E., eldest daugnter of Captain A. L. Anderson. No cards.

MURRELL—Cook.—On Wednesday, February 19, at the residence of the bride's sister, Georgetown, D. C., by the Rev. Mr. J. H. Dashiels, Hervey W. Murrell, of Brooklyn, to Charlotte C., youngest daughter of the late Mr. John Cook, of New York.

Robinson—Frost.—On Thursday, February 29, by Rev. Dr. Morgan, rector of St. Thomas' church, Frank T. Robinson to Ida M., eldest daughter of Charles L. Frost, Esq., all of this city.

Ruckel—Keyes.—At Unadilla, N. Y., on Tuesday, February 11, 1873, by the Rev. Michael Scofield, rector of St. Maithias' church, Frank Ruckel, of New York, to Mary A. Keyes, of Greene, N. Y., daughter of the late George Keyes.

Waters—Beesley.—On Wednesday, February 19, 1873, at the residence of the bride's parents, by the Rev. J. Kimber, David B. Waters to Josie K., daughter of Joseph Beesley, Esq., all of Fiushing. No cards.

Winant—Guyon.—At the residence of the bride's parents, on Wednesday, February 19, by the Rev. Dr. Griffith, Mr. David Winant to Miss Emma Guyon, daughter of John Guyon, all of Blooming-view, S. I.

Winship—Haulenbeck.—At South Norwalk, Conn., on Wednesday, February 12, 1873, by the Rev. Garret Haulenbeck, assisted by the Rev. H. Dunning, James H. Winship, of New York, to Emma J. Haulenbeck, of South Norwalk. No cards.

ANDERSON.—At Sing Sing, on Thursday, February 20, William Anderson, in the 74th year of his age. Notice of funeral will be given hereafter. Barnes.—On Tuesday, February 18, in Brooklyn, Samuel C. Barnes, in the 60th year of his age. Friends of the family and members of Central Lodge, F. and A. M., are invited to attend the funeral, at the Presbyterian church, in Franklin avenue, near Myrtie avenue, Brooklyn, Friday, February 21, at two P. M.
BAYLAN.—On Thursday, February 20, Patrick BAYLAN, late of Derahash, county Monaghan, Ireland.

BAYLAN.—On Thursday, February 29, PATRICK BAYLAN, late of Derahash, county Monaghan, Ireland.

The relatives and friends of the family are invited to attend the funeral from St. Vincent Hospital, West Eleventh street, near Seventh avenue, on Saturday morning, at ten o'clock.

Monaghan papers please copy.

BERGEN.—Un Wednesday, February 13, of croup, Van Brunt M., only son of Garret and Louisa Bergen, in the 7th year of his age.

The relatives and friends are invited 'o attend the funeral, from the residence of his parents, No. 217 Seventeenth street, Brooklyn, on Friday, 21st inst., at three o'clock.

BOGERT.—At Paramue, N. J., on Wednesday night, February 13, JENNETTE PELL, wife of John C. Bogert, in the 70th year of her age.

Kelatives and friends of the family are invited to attend the funeral, on Saturday, February 22, at haif-past one o'clock. An Eric train leaves Chambers street ferry at cleven o'clock.

BREEN.—On Tuesday, November 18, Rev. John BREEN, pastor of the Church of the Annunciation, Manhantanville, aged 50 years.

A solemn mass of requiem will be offered for the repose of his soul in the Church of the Annunciation, Manhantanville, aged 50 years.

A solemn mass of requiem will be offered for the repose of his soul in the Church of the Annunciation, Manhantanville, aged 60 years.

A solemn mass of requiem will be offered for the repose of his soul in the Church of the Annunciation, Manhantanville, on Friday morning, 21st inst., at ten o'clock A. M., after which the Priests' vault at St. Patrick's Cathedral. The reverend clergy, relatives and friends are respectfully invited to attend.

BROWN.—The funeral of Mrs. Annabella BROWN takes place from her late residence, 216 East Seventy-elighth street, next Sunday, at one o'clock

BROWN.—The funeral of Mrs. Annabella Brown takes place from her late residence, 216 East Sev-enty-eighth street, next Sunday, at one o'clock P. M.

enty-eighth street, next satisfy accounty of the P. M.

Byrne.—On Wednesday, February 19, Mary Byrne, of Kilmacart, near Hacketstown, county Carlow, Ireland, in the 53d year of her age.

The inneral will take place, from the residence of her brother-in-law, 190 Twenty-fourth street, Gowanus, South Brooklyn, this (Friday) afternoon, at two o'clock.

Clark.—On Wednesday, February 19, 1873, John Clark, a native of Waterford city, Ireland, aged 58 years.

Chark, a native of Waterford city, freland, aged as years.

The relatives and friends are invited to attend the funeral, from his late residence, 559 West Thirty-second street, on Friday, February 21, at ten o'clock A. M.

Coffin.—Suddenly, of dipatheria, on Thursday, February 20, Ralph, youngest son of William H. and Mary H. Coffin, aged 14 months and 23 days.

Funeral services at Second Unitarian church, Clinton street, corner Congress, Brooklyn, on Saturday afternoon, 22d inst., at half-past one o'clock.

be held under the direction of the Daited

Twenty-thire street, on Saturday, 250 instant, 20 haif-past ten o'clock A. M. Intermeal in Green-wood Cemetery.

Dillon.—Baniel P. Dillon departed this ne, 26 his residence, First avenue, between Eighty-serenth and Eighty-eighth streets, on Thursday, February 20, aged 55 years and 3 months.

Notice of funeral herealter.

St. Louis papers please copy.

Dixon.—On Thursday, February 20, 1872, astwenty minutes past five o'clock P. M., after one day's illness, IDA J. Dixon, the beloved win of Samuel J. Dixon, aged 22 years, 10 months and 3 days.

The funeral will take place on Sunday, February 23, at one o'clock P. M., from the residence of her father, 58 Hester street. The relatives and friends are respectfully invited to attend.

Philadelphia papers please copy.

Elfers,—On Wednesday evening, February 12, Anna Elfers, daughter of Heary and Johanna Eliers, aged 7 months and 19 days.

Relatives and friends of the family are respectfully invited to attend the funeral, from the residence of her parents, 244 Division street, on Friday, February 21, at one o'clock.

Falle.—At Nice, France, on Monday, January 13, 1873, Thomas Hall Falls, in the 70th year of the age.

Funeral services will be held at the Presbyterian

Funeral services will be held at the Presbyterian church, corner of Fifth avenue and Nineteensh street, on Monday, February 24, at four o'clock P. M.
FENNO.—Suddenly, on Wednesday, Pebruary 19,
AUGUSTUS W. FENNO, in the 58th year of his age,
Funeral services will be held at the Church of the
Transfiguration, East Twenty-ninth street, near
Fifth avenue, this (Friday) afternoon, at three

Fifth avenue, this (Friday) alternoon, at threeo'clock.
GOODRIGH.—On Tuesday, February 18, Anna M.,
wife of Andrew S. Goodrich.
Relatives and friends are invited to attend the
funeral, at her late residence, 286 West Houstonstreet, Sunday afternoon, at ene P. M.
Brooklyn and Kingston papers please copy.
HART.—After a short lilness, Thomas J. HART,
aged 20 years, 4 menths and 21 days.
The relatives and friends of the family are respectfully invited to attend the funeral, from hislate residence, 626 East Eleventh street, this(Friday) afternoon, at half-past one o'clock.
Providence papers please copy.
HAZLEHURST.—CHARLOTTE A., eldest daughter of
Thomas M. and Mary F. Hazlehurst, in the 5th yearof her age.

of her age.
Funeral will take place on Saturday morning, at half-past ten o'clock, from the residence of her parents, 46 East Seventy-fourth street.

Charleston papers please copy.

HERGEDON.—On Wednesday, February 19, ANNIE

HERGEDON.

The funeral will take place from the residence of
her brother-in-law, 31 Roosevelt street, this (Friday) afternoon, at two o'clock,

HUNT.—At Harlem, on Thursday, February 20,
1873, ANNA, infant daughter of Robert and Anna
Hunt.

day) afternoon, at two o'clock.

HUNT.—At Harlem, on Thursday, February 20, 1872, Anna, infant daugnter of Robert and Anna. Hunt.

The relatives and friends are invited to attend the funeral, from the residence of her parents, 116 East 113th street, on Saturday, February 22, at tendelock of the late William Jamison.

Jamison.—On Wednesday evening, February 19, Mary Jane, wife of the late William Jamison.

The relatives and friends are respectfully invited to attend the funeral, from the residence of Mr. S. Haight, 148 East Thirty-fourth street, this (Friday) afternoon, at two o'clock.

Joinson.—On Wednesday, February 10, after a lingering illness, Jane Joinson, widow of John Joinson, agod 44 years.

Friends of the family are invited to attend her funeral, from the residence of her brother-in-law, James T. King, No. 2 North Oxford street, Brooklyn.

London and Yorkshire papers please copy.

Kelly.—On Thursday, February 20, John Kelly, in the 40th year of his age.

The relatives and friends of the family are respectfully invited to attend the funeral, from the residence of his father-in law, Michael Christal, 2,414 Second avenue, Harlem, at half-past nine o'clock, on Saturday moraing, February 22, thence to St. Paul's church, 117th street, where a solemn requiem mass will be celebrated, from thence to Calvary Cemetery.

King.—On Wednesday, February 19, EMMA Cornelia Frances King, aged 4 years and 6 months.

The relatives and friends of the family are respectfully invited to attend the funeral, from the residence of her father, 65 Clinton street, Newark, N. J., on Friday, at eleven o'clock A. M.

Kohlssan.—On Wednesday evening, February 19, Bergham Antilday, He of John C. Kohlssat, aged 47 years and 10 days.

Relatives and friends are invited to attend the funeral, from her late residence, No. 116 East Thirty-sixth street, on Saturday, February 1, at Savannah, Ga., Adrian V. La Roche.—On Saturday, February 19, Maria, Aged 33 years.

The runeral will take place on Saturday, at two o'clock, from her late residence,

remains will be taken to New Jersey for Interment
Saturnay morning.

Morn—On Tuesday, February 18, John W. Morn,
in the Sist year of his age.

Relatives and friends are respectfully invited to
attend the nuneral, from his late residence, 46 Sonth
Oxford street, Brookly no Friday, February 21, at
two clock 2 M. Dekado, of Havana, Cuba, wife of
Ferdinand Motz, lat the 2th year of neage,
Morross Schot, February 20, Marka De Los
Bolokis P. De Arako, of Havana, Cuba, wife of
Ferdinand Motz, lat the 2th year of neage,
The relatives and friends of the family are invited
to attend the funeral, from her late residence, No.
6 West Thirty-eighth street, on Saturday, the 224
instant, at two o'clock P. M.
MURTHA.—On Wednesday, February 19, MarGANTER MCKENNA, a native of the parsh of Grange
Geath, county Meath, Ireland, the wife of Patrick
Murtha.

The relatives and friends of the family are respectfully invited to attend the inneral, from her
late residence, 77 Charlton street, New York, on
Friday, 21st inst., at one o'clock P. M.

MCCLISSER.—On Wednesday, February 19,
BRIDGER Hogan, a native of county Westmeath,
Ireland, wife of Patrick McClusker, in the 45th year
of her age.

The relatives and friends are invited to attend
the funeral, from her late residence, 1234 street,
Manbattanville, on Saturday, February 22, at teno'clock; thence to the Church of the Annunciation,
Marshattanville, thence at one o'clock to Westchester for interment.

MCDERMOTT.—In Hoboken, on Thursday, February
19, Elizabern, wife of Captain Robert H. Robinson, in the 61st year of her age.

The relatives and friends of the family are respectfully invited attend the funeral, on Friday,
Years, 3 months and 9 days.

Further notice of the funeral will be given.

Robinson.—On Wednesday morning, February
19, Elizabern, wife of Captain Robert H. Robinson, in the 61st year of her age.

The relatives and friends of the family are respectfully invited attend the funeral, on Friday,
Person of the family are residence, 80
New Brighton, Staten I

TORIAS.—At Jacksonville, Pia., on Sunday evening, February 16, Morris Tobias, in the 50th year

of his age.

The friends of the family are respectfully invited to attend the funeral, from his late residence, 316 East Nineteenth street, on Sunday afternoon, at two o'clock. WHEFLER.—On Tuesday, February 18, Lorrie Se-lina, twin daughter of Joseph R. and Annie M. Wheeler, aged 2 years.

The funeral will take place from 17 St. Luke's place, on Friday, January 21, at half-past one o'clock.

The relatives and friends are invited to attend the funeral, from his late residence, 559 West Thirty-second street, on Friday, February 21, at ten o'clock A. M.

Coffin.—Suddenly, of dipatheria, on Thursday, February 20, Thothy Whittemork, aged 85 years and 11 months.

Coffin.—Suddenly, of dipatheria, on Thursday, February 20, Ralfin, aged 14 months and 23 days.

Funeral services at Second Unitarian church, Clinton street, corner Congress, Brooklyn, on Saturday afternoon, 22d inst., at half-past one o'clock.

Converse.—On Thursday afternoon, February 20, of congestion of the brain, Emily, youngest daughter of William P. and Amanda G. Converse.

Funeral from her late residence, 105 West

Trains leave Thirty-fourth street, East River, New York, at 9 A. M.; Bushwick avenue, Brooklyn, 150 June 11 June 12 J